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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,241	01/22/2002	Dominic Greco	30055.800US01	7774
23935 7590 07/19/2007 KOPPEL, PATRICK & HEYBL 555 ST. CHARLES DRIVE SUITE 107 THOUSAND OAKS, CA 91360			EXAMINER LIVERSEDGE, JENNIFER L	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 07/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/056,241

Applicant(s)

GRECO, DOMINIC

Examiner

Jennifer Liversedge

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/22/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responsive to Applicant's amendment of application 10/056,241 filed June 30, 2007. The amendment contains the following:

The amendment contains original claims: 1-30.

Claims 31-51 were canceled in response to requirement for restriction.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9-10, 12-18, 20-21, 23-24 and 26-30 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,940,812 to Tengel et al. (further referred to as Tengel).

Regarding claims 1-2, 4, 6, 9, 13-14 and 17, 20-21, 23 and 26-27, Tengel discloses a system and method for assessing and controlling risk in a transaction on a computer network having a provider computer, a first client computer and a second client computer, wherein the provider computer, the first client computer and the second

Art Unit: 3692

client computer are in communication there between (Figure 1; column 2, lines 24-51), and

wherein the provider computer predetermines a set of factors for defining a predetermined set of factors (Figure 2A; column 2, lines 24-51; column 3, lines 10-13; column 5, lines 3-19; column 7, lines 6-53; column 8, lines 31-40),

wherein the first client defines factors in the set of factors to create defined selection criteria, wherein the selection criteria represents acceptable parameters of the first client for the transaction (Figures 2A and 3A-4; column 2, lines 24-51; column 4, lines 30-35; column 5, lines 3-19; column 6, lines 46-51; column 7, lines 6-53);

means for receiving a profile characteristic set from the second client, wherein the profile characteristic set represents data regarding a party desirous of participating in the transaction (Figures 2A and 5; column 2, lines 24-51; column 3, lines 10-16; column 4, lines 21-26 and lines 60-64; column 5, lines 3-19; column 8, lines 31-40); and

a risk assessment processor, wherein the risk assessment processor is configured to compare the selection criteria to the profile characteristic set and determine whether the profile characteristic set comports with the selection criteria limitations and providing, from the provider computer to the second client computer, information regarding the results of the comparison determined by the comparison (Figures 2A-2B and 6; column 2, lines 24-51; column 3, lines 17-20; column 9, lines 11-31; column 10, lines 49-56).

Regarding claims 3, 12, 16, 18 and 29-30, Tengel discloses means for obtaining information from databases existing external to the provider, first and second client computers and storing the information in database to be used by the risk assessment processor in making a comparison of the selection criteria to the profile characteristics (Figures 1 and 2A).

Regarding claim 5, Tengel discloses a means for monitoring and reviewing the status of pending transactions (Figures 2A-2B and 6; column 3, lines 17-20; column 10, lines 49-56).

Regarding claims 10 and 24, Tengel discloses a means for updating the defined selection criteria in substantially real-time (column 8, lines 24-27; column 12, lines 5-11).

Regarding claims 15 and 28, Tengel discloses wherein acceptability status consists of one of the following group: conditional approval, submit for approval, and denied (Figures 2B and 5).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3692

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 7-8, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tengel as applied to claims 1 and 17 above, and further in view of US Patent 6,317,727 B1 to May (further referred to as May).

Tengel does not disclose activating and deactivating clients as part to the transaction. However, May discloses activating and deactivating clients as part to the transaction (column 2, lines 53-61; column 6, lines 12-25 and lines 62-63; column 9, lines 18-24; column 13, lines 61-65; column 23, lines 1-4; column 24, lines 15-37; column 26, lines 23-33 and lines 54-62; column 27, lines 3-54; column 28, lines 8-12 and lines 39-43; column 29, lines 24-43 and lines 55-67; column 31, lines 36-40; column 45, lines 46-54; column 48, lines 8-12 and lines 60-67; column 49, lines 1-45). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the matching of loans per defined preferences as disclosed by Tengel to adapt the use of activating and deactivating clients as disclosed by May. The motivation is that in any financial transaction, parties are interested in participating with certain other parties, and

Art Unit: 3692

not interested in participating with other parties. When setting up a model or automated preference selection model, it would be obvious to include those parties with which one would be or would not be interested in conducting a transaction with, the same of other factors and parameters affecting the decision are identified.

Claims 11 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tengel as applied to claims 1 and 17 above, and further in view of US Patent 6,208,979 B1 to Sinclair (further referred to as Sinclair).

Tengel does not disclose where first and second client interactively communicate in substantially real-time. However, Sinclair discloses where first and second client interactively communicate in substantially real-time (column 7, line 65 – column 8, line 6; column 8, line 59 – column 9, line 7). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the matching of loans per defined preferences as disclosed by Tengel to adapt the use of real-time communication as disclosed by Sinclair. The motivation would be that with Internet and global communications network, parties have become accustomed to immediate feedback and the ability to communicate in real-time to answer questions and address concerns, as well as to receive feedback quickly on such transactions as loan status.

### ***Response to Arguments***

Response to requirement for restriction, no arguments were presented.

**Conclusion**

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

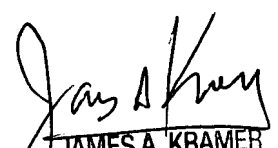
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Kramer can be reached at 571-272-6783. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

Art Unit 3692

 7/16/07  
JAMES A. KRAMER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600